

AMENDMENTS TO THE DRAWINGS

On Page 41, line 5, please amend the caption for Fig. 11 as follows:

“Fig. 11. Relationship between C. albicans log reduction at 6 hr. solution contact (y) with Eosin Y absorbance at 551.0 nm (x), from Eosin difference spectra in Fig. 10 9.

A Replacement Sheet 7 showing Figures 10 and 11 may be found at Exhibit A.

REMARKS/ARGUMENTS

Claims 1-2 and 4-10 are pending in the current application. Claims 1-2 and 4-10 have been amended. No new matter has been added. In the Office Action dated May 19, 2006, the Examiner rejected claims 1-10 under 35 USC §112, first paragraph, as unsupported by the specification. The Examiner further rejected claims 1-10 under 35 USC § 102 as anticipated by Kovacs-Hadady et al. (1998). The Examiner's rejections will be addressed in turn below.

I. 35 USC § 112

Claims 1-10 were rejected as being non-enabled for the breadth of the claims. The claims have now been amended to specify: (a) that a probe molecule is selected from the group consisting of organic dyes; (b) that the agent has antimicrobial activity against a species of *S. marcescens*, *S. aureus*, *P. aeruginosa*, *C. albicans*, or *F. solani*; and (c) that the detector detects a shift in the spectrum that results from formation of an intermediate comprising the probe molecule and the agent. The Applicant submits that with those limitations, the specification provides sufficient information to allow one of ordinary skill in the art to practice the claimed subject matter with a reasonable amount of experimentation.

II. 35 USC § 102

Claims 1-10 were rejected as being anticipated by Kovacs-Hadley et al., *The determination of benzalkonium chloride in eye-drops by difference spectrophotometry*, J. Pharm and Biomed. Anal. 16:733-740 (1988). That rejection is overcome by the amendments herein.

Amended claim 1 (and claims 2 and 4-10 by virtue of their dependence on claim 1) recites "data correlating the spectral change with a reduction in the number of live microbes when treated with the agent." Kovacs-Hadley doesn't teach, suggest, or motivate one of ordinary skill in the art to do that. Instead, the Kovacs-Hadley reference merely describes the use of the dye, eosin-Y, to photometrically determine levels of benzalkonium chloride in an eye-drop solution. The reference is completely silent as to any correlation between spectral changes in benzalkonium chloride-dye complexes in the solution with incidence of a particular microbe when treated with benzalkonium chloride, and no appreciation that such data is critical to use of the dyes to rapidly screen different solutions. Significantly, Kovacs-Hadley doesn't even discuss

microbes. Thus, there is nothing whatsoever to suggest that the amended claims are anticipated by, or obvious over Kovacs-Hadley.


The two other references, cited as background prior art, are also insufficient to anticipate or render the amended claims obvious. The Richards et al. article merely elucidates a possible mechanism by which benzalkonium chloride might affect the cell envelope of *P. aeruginosa*. The Vehige et al article merely presents evidence that Carboxymethyl Cellulose (CMC) can bind various disinfectants. Both references are completely silent as to data correlating shifts in agent-dye complexes in a given solution with reductions in incidences of particular microbes when treated with the agent.

III. Request For Allowance

Claims 1-2 and 4-10 are pending in this application. Claims 11-44 are cancelled. The applicant requests allowance of claims 1-2 and 4-10. If for any reason the Examiner feels the present application is not in condition for allowance, he is requested to call the undersigned at California telephone number (714) 247-8510.

Respectfully submitted,
Advanced Medical Optics

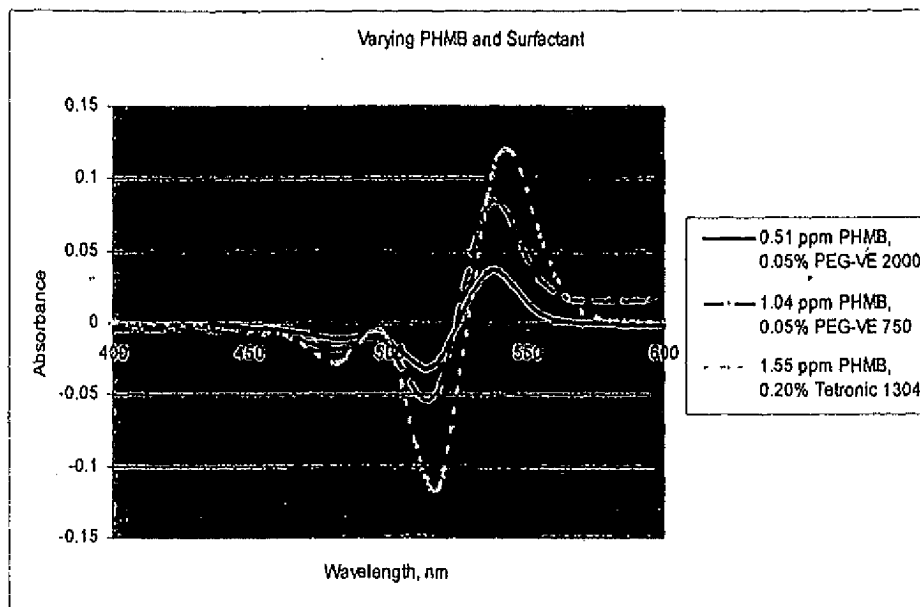
2006 September 28
Date

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EXHIBIT A

Fig. 10. Difference spectra, 400-600 nm, of Eosin Y complexed with PHMB in the presence of three surfactants.



- 5 Fig. 11. Relationship between *C. albicans* log reduction at 6 hr. solution contact (y) with Eosin Y absorbance at 551.0 nm (x), from Eosin difference spectra in Fig. 10.

